

VZCZCXRO7702  
OO RUEHCHI RUEHDT RUEHHM RUEHNH  
DE RUEHKL #1691/01 3441154  
ZNY CCCCC ZZH  
O 101154Z DEC 07  
FM AMEMBASSY KUALA LUMPUR  
TO RUEHC/SECSTATE WASHDC IMMEDIATE 0346  
INFO RUCNASE/ASEAN MEMBER COLLECTIVE PRIORITY  
RUEHBY/AMEMBASSY CANBERRA PRIORITY 2426  
RHEHNSC/NSC WASHDC PRIORITY  
RHHMUNA/USCINCPAC HONOLULU HI PRIORITY

C O N F I D E N T I A L SECTION 01 OF 03 KUALA LUMPUR 001691

SIPDIS

SIPDIS

STATE FOR EAP/MTS AND DRL -- JANE KIM

E.O. 12958: DECL: 12/10/2027  
TAGS: [PGOV](#) [PHUM](#) [KDEM](#) [ASEC](#) [MY](#)  
SUBJECT: POLICE ARREST HUMAN RIGHTS DAY MARCHERS; ANOTHER  
PROTEST PLANNED FOR DECEMBER 11

REF: A. KUALA LUMPUR 1684 -- GOM TRIES TO KEEP LID ON

- [1](#)B. KUALA LUMPUR 1664 - WARNINGS ON FUTURE PROTESTS
- [1](#)C. KUALA LUMPUR 1647 - POLICE BREAK UP PROTEST
- [1](#)D. KUALA LUMPUR 1646 - ARRESTS AHEAD OF RALLY
- [1](#)E. KUALA LUMPUR 1613 - BERSIH RALLY DRAWS TENS OF THOUSANDS
- [1](#)F. KUALA LUMPUR 1377 - RALLY TURNS TO RIOT IN TERENGGANU

Classified By: Classified By: Political Section Chief Mark D. Clark for reasons 1.4 (b and d).

Summary

[1](#)1. (C) Malaysian police on December 9 arrested organizers of an attempted march in Kuala Lumpur by lawyers, activists and opposition party officials in support of freedom of assembly. The short-lived march involved some 100 participants and took place after the Bar Council, under police pressure, cancelled its planned march to commemorate Human Rights Day. Police charged those arrested, four lawyers and four human rights activists, with participating in an illegal assembly, obstructing a public servant, and disobeying a police order to disperse. Police on December 9 also arrested some prominent organizers of the large November 10 BERSIH rally. The Bar Council president, prominent opposition figure Anwar Ibrahim, and other opposition politicians condemned the arrests. Prime Minister Abdullah defended the police actions, saying lawyers are not above the law, while other government figures called for even tougher action. In response to events on December 9, opposition organizers reactivated plans to demonstrate at the Parliament on December 11, a protest that seems assured of meeting with a firm police response. With PM Abdullah under pressure from within his own party to take a hard line, authorities now appear unable to move away from the approach that any public assembly critical of the government is a threat to public order. End Summary.

World Human Rights Day March Ends With Arrests

[1](#)2. (SBU) In the wake of a series of anti-government protests and government warnings against more public rallies (reftels), approximately 100 lawyers (including opposition party officials) and human rights activists attempted to conduct a public march in downtown Kuala Lumpur on Sunday, December 9, to demonstrate their support for freedom of assembly. The march coincided with the Malaysian Bar Council's commemorative events for World Human Rights Day. The informal march took place after the Bar Council decided

to cancel its planned march following police insistence that the Council apply for a permit. In order to support the principle of freedom of peaceful assembly, the Bar Council decided not to apply for a permit, but also to forego the march in the face of warnings from the police that they would arrest illegal marchers on sight.

¶3. (SBU) Poloffs observed the December 9 events. Gathering at 7:30 A.M., the marchers, heavily outnumbered by police and a strong contingent of local and international media, made initial statements to journalists and waited for the signal to begin walking. Marchers carried a banner with the slogan: "Lawyers for Freedom of Assembly - With the People." One of the march organizers, Latheefa Koya, negotiated with the police officer in charge and obtained a 10-minute grace period to march from their start point to the Bar Council's headquarters building. The group proceeded peacefully under the eye of the police and media. About halfway to the Bar Council headquarters, police halted the procession, and ordered them to disperse, and organizers asked the marchers to comply. Soon after, police detained eight march organizers and activists under a swarm of media cameras. Following the arrests, the remaining marchers lost cohesion but continued to the Bar Council.

¶4. (SBU) Police charged those arrested, four lawyers and four human rights activists, with participating in an illegal assembly, obstructing a public servant, and disobeying a police order to disperse. Those arrested include two senior officials from the opposition People's Justice Party (PKR), party vice president R. Sivarasa and PKR supreme council member Latheefa Koya; Amer Hamzah, Vice-Chair of the Bar Council's Human rights Committee; N. Surendran, Bar Council Human Rights Committee member; and Eric Paulson, former coordinator of SUARAM, a leading human rights NGO. (Note:

KUALA LUMP 00001691 002 OF 003

Sivarasa is a 2005 IVP alumnus.) Arrested later in the day was the Bar Council's Human rights Committee Chairman, Edmund Bon, whom police also charged with obstructing Kuala Lumpur City Hall officers from performing their duties. The city hall workers were attempting to remove human rights banners from the Bar Council's premises.

Bar Council, Opposition Leaders Condemn Police Actions

¶5. (U) Bar Council Chairperson Ambiga Sreenevasan, expressed deep disappointment in the government and police actions. She and a team of lawyers went to police headquarters to speak with the detained individuals, but were denied access. Ambiga described the day's events as a disgrace for the police to arrest the individuals on the eve of World Human Rights Day. Ex-deputy Prime Minister PKR de facto leader Anwar Ibrahim said government authorities were using the law "to subvert freedom and to suppress the people's fundamental democratic right for peaceful assembly." Lim Kit Siang, the opposition leader in parliament, described the arrests as "a blot on human rights in Malaysia" that portrayed "clear abuses of police powers, excessive use of force and public display of police contempt for human rights."

Roundup of BERSIH organizers resumes

¶6. (SBU) The government also took further action on December 9 against opposition party organizers of the November 10 BERSIH rally (ref D), which turned out Malaysia's largest street protest in nine years. Police arrested PKR Information Chief Tian Chua, Islamic Party of Malaysia (PAS) Vice President Mohamad Sabu and twelve other PAS members who previously had been released on bail. The Government charged the fourteen men in Kuala Lumpur courts on December 10 with unlawful assembly and obstructing a public servant. PAS President Abdul Hadi Awang lamented the Government's renewed actions against participants of the BERSIH rally and

commented that Prime Minister Abdullah Badawi was steering the nation towards a "police state." PKR Information Bureau spokesperson Elizabeth Wong also responded: "If the government believes its actions will frighten us from exercising our fundamental right to assemble peacefully, they are sorely mistaken."

#### December 11 Protest Plans Reactivated

-----

17. (SBU) In reaction to the December 9 arrests, opposition members of parliament from both PAS and DAP informed poloffs on December 10 that they had reactivated planning for a BERSIH rally on December 11 in front of Parliament (ref A); opposition interest in this event had appeared to die out prior to December 9. PAS supreme council members further commented that at least 2,000 people would be present to protest proposed constitutional amendments seeking to extend the age of retirement for federal election commissioners.

#### GOM Defends Actions as Necessary for Public Order; Senior UMNO Officials Call for Harsher Measures

-----

18. (C) Prime Minister Abdullah Badawi defended the police actions on December 9, saying lawyers are not above the law, "if they breach or violate the law, action will certainly be taken against them. There is no discrimination in this matter." In separate remarks on December 10 to corporate leaders, PM Abdullah noted that preserving the country's security requires a "sense of accountability to the whole, rather than the few. The Prime Minister emphasized, "if there is a choice between public safety and public freedoms, I do not hesitate to say here that public safety will always win." Other senior officials in the dominant United Malays National Organization (UMNO) party called for a stronger response. Mohammad Ali Rustam, UMNO Vice-President and Melaka Chief Minister, urged authorities to invoke the Internal Security Act (ISA, which allows for detention without trial), arguing that the marchers were "traitors" for going against the order of the authorities. Several other UMNO officials publicly supported the use of ISA. Not all senior UMNO voices urged a hard-line approach. Former Deputy Prime Minister Musa Hitam, in an interview published December 9, argued for a more balanced approach and noted that after 50 years of independence Malaysia could accommodate peaceful assemblies. (Note: According to two Embassy sources, Musa Hitam advised PM Abdullah not to use the ISA to halt

KUALA LUMP 00001691 003 OF 003

anti-government protests. End Note.)

Comment

-----

19. (C) With a national election seemingly around the corner, and some Malays incensed over a November 25 ethnic Indian demonstration interpreted as a challenge to the social compact and Malay supremacy, PM Abdullah's government is under pressure from conservatives within the UMNO party to take very strong action against further anti-government protests. Increasingly the authorities are making good on their repeated threats to arrest those organizing public demonstrations without police permits. If enough arrests are made and defendants held without bail, police could keep many organizers off the streets for extended periods even without invoking the politically-charged ISA. As some of his advisors recognize, Abdullah politically must find a balance between demands within his party that he gets tough with anti-government demonstrators, and the risk that such actions prolong or deepen the current showdown with opposition activists, creating martyrs and attracting international criticism in the process. With neither the government nor opposition organizers backing down, authorities now appear unable to move away from the approach that any public assembly critical of the government is a threat to public

order. The planned December 11 protest at the Parliament presents the next immediate test and we expect police action to stop this demonstration.

KEITH